

Applicants : Richard W. Nykamp et al  
Serial No. : 10/628,963  
Page No. : 2

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of such furniture is typically regarded as tolerable rather than attractive. For example, a large bank of filing cabinets presents a sea of uniform color, such as beige or gray.

Second, the colors with which the furniture is painted go out of style. To change color, it is necessary either to purchase new furniture or to repaint existing furniture. The first option is undesirably expensive, and the second option is undesirably inconvenient.

Third, the finishes of metal furniture can become scratched or otherwise marred so that they are unsightly. In such cases, it is necessary to replace the furniture or to repaint the furniture.

Fourth, when additional or replacement office furniture is purchased, one challenge is matching the color of the new office furniture to the existing furniture. The new office furniture may be made by a different manufacturer offering different colors, or may be made by the same manufacturer no longer offering the old color. Even if a color is still made by the previous manufacturer, the new office furniture may not match the existing furniture due to fading, different dye runs of paint, or changes in the manufacturing process, such as switching from a wet paint to a powder coat.

## II. Invention Summary

The present invention is a system for dramatically changing the appearance of office furniture in a simple and relating inexpensive way. The dramatic change enabled by the present invention is illustrated in the brochure entitled "Change is Good!" published by the

Applicants : Richard W. Nykamp et al  
Serial No. : 10/628,963  
Page No. : 3

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Applicant and attached as Appendix 1. When the brochure is fully opened, the left side shows the “before” appearance of conventional painted office furniture. The right side shows the “after” appearance, in which the decorative covers of the present invention are applied to the flipper doors and the drawer fronts, and in which tack-boards and cushions also are included on other furniture components.

As defined in independent claim 17, the present invention is an article of metal office furniture including 1) a metal office furniture piece and 2) a plurality of magnetic decorative covers. Specifically, the disclosed furniture piece is a filing cabinet including a plurality of components such as drawer fronts. Other components include the side panels and the base. Each of the components has dimensions. Each of the covers overlies and is attached to one of the drawer fronts with each cover having dimensions substantially the same as the dimensions of the component to which it is attached, so that each cover substantially covers the entire drawer front. The covers each include a decorative layer attached to a magnetic sheet. The decorative material is selected from the group of fabric, vinyl, leather, veneer, and laminate.

As defined in independent claim 11, the invention is a method for altering the appearance of a metal office furniture article. The method results in the article defined in independent claim 17. Specifically, the furniture article includes a plurality of components, again such as drawer fronts. A magnetic cover is provided for each of the components, with each cover having dimensions substantially the same as the dimensions of the corresponding component. Each magnetic cover includes a decorative layer including at least one of fabric,

vinyl, leather, veneer, or laminate. Each cover is aligned with its corresponding component, and each aligned cover is allowed to magnetically adhere to the corresponding component.

As defined in independent claim 1, the invention is one of the decorative covers for a metal office furniture component that includes a physical feature. The cover includes a magnetic sheet and a decorative layer laminated to the magnetic sheet. The decorative layer is selected from fabric, vinyl, leather, veneer, and laminate. The lamination defines an aperture positioned to be aligned with the physical feature when the lamination is mounted on the furniture component.

### III. Rejections

#### A. Claims 17-19

Claims 17-19 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,799,423 to Malino in view of U.S. Patent 5,158,324 to Flesher.

Malino discloses a magnetic calendar 20 that can be attached to a ferrous object. For example, in Fig. 6, the calendar is attached to the side of a metal filing cabinet. The calendar covers only a portion of the side of the filing cabinet. Malino does not remotely suggest, let alone disclose or teach, features of the present invention. First, Marino does not suggest a plurality of covers each overlying and attached to a furniture component. Second, Malino does not disclose a cover, let alone a plurality of covers, having dimensions substantially the same as the dimensions of the component to which the cover is attached. These shortcomings are not

Applicants : Richard W. Nykamp et al  
Serial No. : 10/628,963  
Page No. : 5

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surprising because Malino does not recognize, let alone address, the problem solved by the present invention, namely, the appearance of metal office furniture.

Flesher discloses “a protective cover for vehicles.” The “cover” is a plurality of pieces that can be mounted on the front of an automotive vehicle. Like Malino, Flesher has absolutely nothing to do with changing the appearance of a furniture component. The Flesher cover is vehicle bug screen. Although the Flesher pieces incidentally change the appearance of a portion of the front end of the vehicle, the change is incidental to the protective feature.

Flesher does not suggest, let alone disclose or teach, features of the invention. First, Flesher is not an article of office furniture. Second, Flesher does not disclose a metal office furniture piece including a plurality of components each having dimensions. Third, Flesher does not disclose a plurality of decorative covers each of which overlies and is attached to one of the components, and each of which has dimensions substantially the same as the dimensions of the component to which the cover is attached. For example, the hood piece covers only a portion of the hood, and the fender pieces each cover only a portion of the fender.

With regard to the hypothetical combination of Malino and Flesher, it is respectfully submitted that the references are not properly combinable. First, neither reference recognizes, let alone attempts to resolve, the problem overcome by the present invention (i.e. changing the appearance of office furniture). Second, neither reference, nor either field of art from which the references are drawn, suggests that the two references might be or can be combined. Third, there is no motivation for the hypothetical combination other than the

Applicants : Richard W. Nykamp et al  
Serial No. : 10/628,963  
Page No. : 6

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examiner's attempted impermissible hindsight reconstruction of the present invention. Fourth, and perhaps most importantly, even the improper combination does not teach the invention as defined in independent claim 17. Specifically, the improper combination does not teach an article of office furniture having multiple components each covered by a decorative cover having dimensions substantially the same as the respective component.

It therefore is respectfully submitted that the rejection of independent claim 17 is unfounded and should be withdrawn. The dependent claims present additionally allowable subject matter and are therefore even more clearly allowable. For example, claim 19 requires at least one of the decorative covers to define a cutout providing an aesthetic appearance such as a logo as illustrated at 52 in Fig. 1.

B. Claims 1, 3, and 11-12

Claims 1, 3, and 11-12 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,158,324 to Flesher.

Flesher does not disclose the recitations of independent claim 11. First, Flesher has nothing to do with "altering the appearance of a metal office furniture article." Second, and as noted above, the magnetic covers in Flesher do not each have "dimensions substantially the same as the dimensions of the corresponding component." Third, the pieces of the Flesher cover do not "substantially cover the entire component" to which it is adhered.

Flesher also does not disclose the recitations of independent claim 1. First,

Flesher does not disclose “a decorative cover for a metal office furniture component having a physical feature.” Second, the Flesher cover does not include an aperture positioned to be aligned with a physical feature on a metal office furniture component.

In view of the above shortcomings of Flesher, it is respectfully submitted that the rejection of claims 1, 3, and 11-12 is improper, and should be withdrawn.

C. Secondary Considerations Support the Lack of Obviousness

The present invention has received widespread recognition within the contract furnishing industry (i.e. the office furniture industry). The invention has received a variety of national and state awards; and those awards have come from some of the most prestigious authorities in the contract furnishing industry. These awards include:

- 1) The “Best of NEOCON Gold Award” for the Surfacing Materials category. The “Best of NEOCON” awards the most prestigious and recognized awards in the contract furnishing industry, and are sponsored by *Contract Magazine*, the most highly regarded publication in the contract furnishing industry.
- 2) The “Grand Prize Innovation Award” for the Workplace Aesthetics category and the “Grand Prize Innovation Award” for the Workplace Productivity category. These “Building Interiors Magazine Innovation Awards” also are prestigious, and are sponsored by *Building Interiors Magazine*, a highly regarded

Applicants : Richard W. Nykamp et al  
Serial No. : 10/628,963  
Page No. : 8

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publication in the contract furnishing industry. The present invention was the first product in the history of the awards to win back-to-back Grand Prizes.

- 3) "Honorable Mention" in the Small Business Innovation Awards in recognition of the most innovative products. These awards are made by the Small Business Association of Michigan.

The Declaration of Richard W. Nykamp discussing these awards is attached as Appendix 2.

The present invention also has received widespread media coverage. Copies of eight articles regarding the present invention are attached to Mr. Nykamp's Declaration.

The awards and media coverage identified in Mr. Nykamp's Declaration provide incredibly strong evidence both 1) of secondary considerations of nonobviousness and 2) that those skilled in the relevant art consider the present invention to be a significant development worthy of national and state awards.

Applicants : Richard W. Nykamp et al  
Serial No. : 10/628,963  
Page No. : 9

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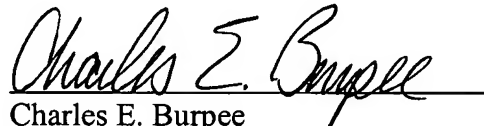
CONCLUSION

In view of these remarks, the enclosed brochure, and the enclosed Declaration (including its attachments), it is respectfully submitted that the present application is fully in condition for allowance. A notice to that effect is earnestly and respectfully solicited.

Respectfully submitted,

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By: Warner Norcross & Judd LLP

A handwritten signature in cursive script, reading "Charles E. Burpee", is written over a horizontal line.

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